

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF TEXAS

3 EL PASO DIVISION

4  
5 UNITED STATES OF AMERICA ) No. EP-12-CR-2106-DB  
6 ) EP-13-CR-370-DB  
7 vs. )  
8 ) El Paso, Texas  
9 MARCO ANTONIO DELGADO )  
10 ) August 8, 2013

11 DOCKET CALL

12 A P P E A R A N C E S:

13 FOR THE GOVERNMENT: MS. DEBRA P. KANOF &  
14 MS. ANNA E. ARREOLA  
15 Assistant United States Attorneys  
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El Paso, Texas 79901

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17 FOR THE DEFENDANT: MR. RICHARD ESPER  
18 Attorney at Law  
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24 Proceedings reported by stenotype. Transcript produced by  
25 computer-aided transcription.

1                   THE COURT: Call the next case.

2                   THE CLERK: EP-12-CR-2106 and EP-13-CR-370, Marco  
3 Antonio Delgado.

4                   MS. KANOF: Good morning, Your Honor. Debra Kanof and  
5 Anna Arreola for the United States.

6                   MR. ESPER: Good morning, Judge Briones. Richard  
7 Esper for Mr. Delgado and standing in for Ray Velarde for  
8 Mr. Delgado.

9                   THE COURT: Counsel, as you know, this thing is set  
10 for later on today on the competency hearing.

11                  MR. ESPER: Yes, sir.

12                  THE COURT: I'm not going to set it now, but I'll tell  
13 you what, I'm going to set it for trial, the first one at  
14 least -- probably set both for trial. Not at the same time  
15 obviously.

16                  You've had enough time, Mr. Esper, quite frankly. You  
17 went through the competency hearing. I think you're just  
18 stalling for time, quite frankly.

19                  MR. ESPER: Well, I disagree with that, Your Honor,  
20 but --

21                  THE COURT: Well...

22                  MS. KANOF: Your Honor, we've actually, in  
23 anticipation that the Court would set it, have reached an  
24 agreed trial date. I don't know if you want to hear that now  
25 or if you want to wait until the competency hearing.

1 THE COURT: One date or two dates?

2 MS. KANOF: Huh?

3 THE COURT: One date or the second one also?

4 MS. KANOF: Just for the first one. We hadn't  
5 discussed the second one. I suppose hope springs eternal. And  
6 if he's convicted on the first one, we would hope he would  
7 plead on the second one, but the date that we agreed to for the  
8 first one was October 21st.

9 THE COURT: I had penciled in September the 30th.

10 We'll discuss it on --

11 MS. KANOF: Okay.

12 THE COURT: At what, 11:30, I think it is?

13 MR. ESPER: Your Honor, the reason the September 30th  
14 is problematic is both Mr. Velarde and I are starting a trial  
15 that's going to take three weeks on September 9th.

16 THE COURT: Counsel, let me tell you something. This  
17 thing was set before for trial. Okay?

18 MR. ESPER: I understand.

19 THE COURT: You came in here at the last minute and  
20 asked for a competency/psychiatric examination and I gave it to  
21 you.

22 MR. ESPER: And while I'm here --

23 THE COURT: I suspected at the time that you were just  
24 stalling for more time to talk to your client. If he doesn't  
25 want to accept it, try the case.

1                   MR. ESPER: Well, Your Honor, we're going to get  
2 prepared to try it. We're also requesting a neurological exam  
3 based on what Dr. Briones's report has indicated.

4                   THE COURT: He's certainly not (sic) competent as I  
5 suspected from the very beginning. He knows exactly what he's  
6 doing.

7                   Come on in, at what time, Ruben?

8                   MS. KANOF: 11:30, Your Honor.

9                   THE CLERK: 11:30, Judge.

10                  THE COURT: 11:30. And I guess we'll go into it  
11 further.

12                  You got my message to come in with an offer?

13                  MS. KANOF: I did, Your Honor, and we're prepared.

14                  THE COURT: Okay. Okay. No setting at this time.

15                  MS. KANOF: May Ms. Arreola and I be excused at this  
16 time, Your Honor?

17                  THE COURT: You may be excused.

18                  Now that takes care of both cases, Ruben. Go on to  
19 the next one.

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## CERTIFICATION

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date: December 6, 2017

/s/ Maria del Socorro Briggs

Maria del Socorro Briggs